

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Group Art Unit: 3727

William P. Apps et al.

Examiner: S. Pollard

Serial No.: Filed Herewith  
(Continuation of USSN 08/854,294)

Filed: Filed Herewith

For: Stackable Low Depth Bottle Case With Integral Sidewall Logo

Attorney Docket No.: RPC 0572 PUS

**PRELIMINARY AMENDMENT**

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231

Sir:

Please amend the above-identified application as follows:

**In The Claims & Abstract**

Please cancel claims 4-11 without prejudice, and cancel the present Abstract without prejudice.

Please replace claims 1-3 as shown below. A marked up version of the amended claims is attached to this Amendment.

Please add new claims 12-44 as provided below.

**FOR PUBLICATION PURPOSES, PLEASE USE THE AMENDED  
AND NEW CLAIMS & ABSTRACT PROVIDED HEREIN .**

## WHAT IS CLAIMED IS:

1. (Amended) A stackable low depth case for retaining and transporting bottles, the case comprising opposing side walls and opposing end walls forming an outer shell, a case bottom disposed substantially within said outer shell, the case comprising:

said side walls including a lower wall portion and a plurality of spaced upwardly projecting pylons, four corner pylons defining four corners of the case wherein at least one of the lower wall portions includes an upper edge and a lower edge each having a contoured shape substantially along the length thereof; and

a plurality of spaced upwardly projecting columns generally disposed within the outer shell defining, in combination with the case bottom, said side walls, and said end walls, a plurality of bottle retaining pockets, said columns and said pylons extending above the lower wall portions and below a top surface of the retained bottles.

2. (AMENDED) The stackable case of claim 1 wherein the upper and lower edges of the at least one lower wall portion substantially define an exterior surface of said lower wall portion.

3. (AMENDED) The stackable case of claim 2 wherein said lower wall portion further includes a plurality of retaining tabs substantially defining an interior surface of said lower wall portion and extending upwards from said case bottom.

12. (NEW) A stackable low depth bottle case comprising:  
a floor structure having an upper surface;  
a pair of side structural members attached to the floor structure and defining an inner compartment with the floor structure, the side structural members having a lower edge and an upper edge;

a plurality of pylons extending inwardly from the side structural members into the inner compartment, and a plurality of corner pylons defining corners of the case and extending into the inner compartment; and

a plurality of spaced upwardly projecting columns generally disposed within the inner compartment defining, in combination with the floor structure and the side structural members, a plurality of bottle retaining pockets, one of the columns extending a first height above a first location along the upper edge of one of the pair of side structural members, wherein the first location is disposed between a pair of adjacent pylons, and another of the columns extending a second height above a second location along the upper edge, wherein the second location is disposed between another pair of adjacent pylons.

13. (NEW) The case of claim 12, wherein the side structural member is contoured along its length.

14. (NEW) The case of claim 12, wherein the upper edge of the side structural member is each contoured along its respective lengths.

15. (NEW) The case of claim 12, wherein the lower edge of the side structural member is each contoured along its respective lengths.

16. (NEW) The case of claim 12, wherein the side structural members are attached to the floor structure by a plurality of retaining tabs which define an interior surface of the inner compartment between adjacent pylons.

17. (NEW) The case of claim 12, wherein the one of the columns is located at the intersection of the case longitudinal axis and transverse axis.

18. (NEW) The case of claim 12, wherein the plurality of columns are substantially the same height.

19. (NEW) The case of claim 12, further comprising a pair of integrally molded handle structures extending between a pair of corner pylons and having an exterior surface and a generally open area being defined below the exterior surface.

20. (NEW) The case of claim 12, wherein the floor structure has a substantially flat upper surface.

21. (NEW) The case of claim 12, wherein the floor structure has a lower surface which includes plurality of bottle closure acceptance areas defined by generally conically shaped, concave portions.

22. (NEW) The case of claim 12, wherein the floor structure includes resting and guiding means for resting the bottom member on the closures of bottles on which the case is stacked, the resting and guiding means including a rib formation having a longitudinal centerline offset from the centerline of the bottle retaining pockets to guide closures of bottles into a central region of the bottle retaining pockets.

23. (NEW) The case of claim 22, wherein the rib formation comprises a cloverleaf shape.

24. (NEW) The case of claim 12, wherein at least one of the columns has a vertically extending portion disposed below the lower edge of the side structural members.

25. (NEW) The case of claim 12, wherein at least one of the columns has a vertically extending portion which is substantially co-planar with the lower surface of the floor structure.

26. (NEW) The case of claim 12, wherein the plurality of pylons extend above the upper edge of the side structural members.

27. (NEW) The case of claim 12, wherein the plurality of pylons have upper surfaces which are generally co-planar.

28. (NEW) The case of claim 12, wherein the plurality of pylons and the plurality of columns have generally co-planar upper surfaces.

29. (NEW) A low depth crate for storing and transporting bottles, the crate comprising:

a floor including a floor top surface having thereon a plurality of support areas for supporting an array of bottles;

a pair of side structural members attached to the floor and defining an inner compartment with the floor structure, the side structural members having a lower edge and an upper edge;

a plurality of pylons extending inwardly from the side structural members into the inner compartment; and

a plurality of spaced upwardly projecting columns generally disposed within the inner compartment defining, in combination with the floor structure and the side structural members, a plurality of bottle retaining pockets, one of the columns extending a first height above a first location along the lower edge of one of the pair of side structural members, and another of the columns extending a second height above a second location along the lower edge.

30. (NEW) The crate of claim 29, wherein the side structural members are contoured along its length.

31. (NEW) The crate of claim 29, wherein the upper edge of the side structural member is contoured along its respective length.

32. (NEW) The crate of claim 29, wherein the lower edge of the side structural member is contoured along its respective length.

33. (NEW) The crate of claim 29, wherein the side structural members are attached to the floor structure by a plurality of retaining tabs which define an interior surface of the inner compartment between adjacent pylons.

34. (NEW) The crate of claim 29, wherein the one of the columns is located at the intersection of the case longitudinal axis and transverse axis.

35. (NEW) The crate of claim 29, wherein the plurality of columns are substantially the same height.

36. (NEW) The crate of claim 29, further comprising a plurality of corner pylons defining corners of the case and extending into the inner compartment.

37. (NEW) The crate of claim 36, further comprising a pair of integrally molded handle structures extending between a pair of corner pylons and having an exterior surface and a generally open area being defined below the exterior surface.

38. (NEW) The crate of claim 29, wherein the floor has a substantially flat upper surface.

39. (NEW) The crate of claim 29, wherein the floor has a lower surface which includes plurality of bottle closure acceptance areas defined by generally conically shaped, concave portions.

40. (NEW) The crate of claim 29, wherein at least one of the columns has a vertically extending portion disposed below the lower edge of the side structural members.

41. (NEW) The crate of claim 29, wherein at least one of the columns has a vertically extending portion which is substantially co-planar with a lower surface of the floor.

42. (NEW) The crate of claim 29, wherein the plurality of pylons extend above the upper edge of the side structural members.

43. (NEW) The crate of claim 29, wherein the plurality of pylons have upper surfaces which are generally co-planar.

44. (NEW) The crate of claim 29, wherein the plurality of pylons and the plurality of columns have generally co-planar upper surfaces.

## ABSTRACT (New)

A stackable low depth case for retaining and transporting bottles, the case comprises opposing side walls and opposing end walls forming an outer shell, a case bottom disposed substantially within said outer shell. Said side walls include a lower wall portion and a plurality of spaced upwardly projecting pylons, four corner pylons defining four corners of the case. At least one of the lower wall portions includes an upper edge and a lower edge each having a contoured shape substantially along the length thereof. Also included is a plurality of spaced upwardly projecting columns generally disposed within the outer shell defining, in combination with the case bottom, the side walls, and the end walls, a plurality of bottle retaining pockets, the columns and pylons extending above the lower wall portions and below a top surface of the retained bottles.

**Remarks**

Applicants respectfully request entry of this Preliminary Amendment.  
The Examiner is invited to contact the undersigned should there be any questions regarding this application.

Respectfully submitted,

**WILLIAM P. APPS ET AL.**

By 

Konstantine J. Diamond

Reg. No. 39,657

Attorney/Agent for Applicant

Date: April 26, 2001

**BROOKS & KUSHMAN P.C.**

1000 Town Center, 22nd Floor

Southfield, MI 48075

Phone: 248-358-4400

Fax: 248-358-3351



## VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Amended) [In a] A stackable low depth case for retaining and transporting bottles, the case comprising opposing side walls and opposing end walls forming an outer shell, [having a longitudinal axis and a transverse axis;] a case bottom disposed substantially within said outer shell, [; said improvement] the case comprising:

said side walls including a lower wall portion and a plurality of spaced upwardly projecting pylons, four corner pylons defining four corners of the case wherein at least one of the lower wall portions includes an upper edge and a lower edge each having a contoured shape substantially along the length thereof; and

a plurality of spaced upwardly projecting columns generally disposed within the outer shell defining, in combination with the case bottom, said side walls, and said end walls, a plurality of bottle retaining pockets, said columns and said pylons extending above the lower wall portions and below a top surface of the retained bottles [; and

at least one of said lower wall portions including an integrally molded logo].

2. (AMENDED) [A] The stackable case of [as in] claim 1 wherein [said logo] the upper and lower edges of the at least one lower wall portion substantially [defines] define an exterior surface of said lower wall portion.

3. (AMENDED) [A] The stackable case of [as in] claim 2 wherein said lower wall portion further includes a plurality of retaining tabs substantially defining an interior surface of said lower wall portion and extending upwards from said case bottom.